



Attorney's Docket No.: 005214.P001R

PATENT

DECLARATION FOR REISSUE PATENT APPLICATION

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is described and for which a reissue patent is sought on the invention entitled

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS
AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM
USING A DISTRIBUTED COMPUTING SYSTEM

filed September 27, 2000 as serial no. 09/672,523 ("the reissue application"), the specification of which is attached hereto and was issued on October 6, 1998 as U.S. Patent no. 5,819,034 ("the original patent") based on serial no. 08/233,908 ("the application"), filed on April 28, 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the effective filing date, that the same was not in public use or on sale in the United States of America more than one year prior to the effective filing date, and that the invention was has not been patented or made the subject of an inventor's certificate issued prior to the effective filing date in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to the effective filing date.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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Send correspondence to André L. Marais, BLAKELY, SOKOLOFF, TAYLOR &
(Name of Attorney or Agent)
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct
telephone calls to André L. Marais, (408) 720-8300.
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Kuriacose JOSEPH

Inventor's Signature *Kuriacose Joseph* Date 11/20/00

Residence GAITHERSBURG, MARYLAND Citizenship INDIA
(City, State) (Country)

Post Office Address 16124, ORCHARD GROVE RD.

Full Name of Second/Joint Inventor Ansley Wayne JESSUP, Jr.

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Third/Joint Inventor Vincent DUREAU

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Fourth/Joint Inventor Alain DELPUCH

Inventor's Signature _____ Date _____

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Full Name of Sole/First Inventor Kuriacose JOSEPH

Inventor's Signature _____ Date _____

Residence _____ (City, State) _____ Citizenship _____ (Country)

Post Office Address _____

Full Name of Second/Joint Inventor Ansley Wayne JESSUP, Jr.

Inventor's Signature Ansley Wayne Jessup Date November 11, 2000

Residence Willingboro, NJ (City, State) _____ Citizenship USA (Country)

Post Office Address 22 Elmwood Lane
Willingboro NJ 08046

Full Name of Third/Joint Inventor Vincent DUREAU

Inventor's Signature _____ Date _____

Residence _____ (City, State) _____ Citizenship _____ (Country)

Post Office Address _____

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Inventor's Signature _____ Date _____

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Inventor's Signature Mun Date 4/06/00

Residence Palo Alto, California (City, State) _____ Citizenship France (Country)

Post Office Address 3519 S. Court
Palo Alto, CA 94306

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Full Name of Fourth/Joint Inventor Alain DELPUCH

Inventor's Signature  Date Nov 13, 2000

Residence LES ESSARTS FRANCE (City, State) _____ Citizenship FRANCE (Country)

Post Office Address 34 PARC DES ESSARTS
78690 LES ESSARTS LEROI FRANCE

Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.